

Sentence Review Division
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SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

AUG 14 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-17-118
)	
Plaintiff,)	Cascade County District Court
)	Montana Eighth Judicial District
-vs-)	
)	DECISION
MICHAEL JOSEPH GEORGE,)	
)	
Defendant.)	

On November 25, 2019, for violation of the conditions, the Defendant's deferred sentence was revoked and he was sentenced to a commitment to the Department of Corrections for a period of six (6) years, with three (3) years suspended, for the offense of Count I: Assault on a Peace Officer or Judicial Officer, a Felony, in violation of §45-5-210(1(a), MCA. Restitution was ordered in the amount of \$253.83 to Lacey George. The Court recommended the Defendant be screened and considered for age and mental health appropriate placement and supervision. The Defendant was given credit of 657 days for time served.

On August 6, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video from the Butte Pre-Release Center and was represented by Abigail Rogers, Defense Counsel, who appeared by video from Missoula, Montana. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 6th day of August, 2020.

DATED this 14th day of August, 2020.

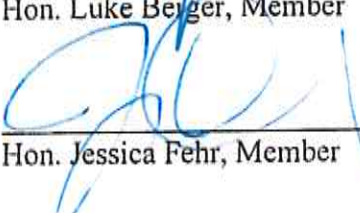
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of August, 2020, to:

Clerk of District Court – *via email*
Michael Joseph George #3024507, Defendant
Hon. Elizabeth Best – *via email*
Abigail Rogers, Defense Counsel – *via email*
State Office of the Public Defender – *via email*
Susan L. Weber, Esq. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division